

Appl. No. 10/776,499  
Amdt. dated 2/2/06  
Reply to Office Action of 10/26/05

PATENT  
Docket: 030505

### REMARKS

Claims 1-24 are pending in the present application. Claims 1-24 have been examined, claims 1-16 and 18-24 are rejected, and claim 17 is allowed. In the above amendments, claims 18, 23 and 24 have been amended. Therefore, after entry of the above amendments, claims 1-24 will be pending in this application. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

#### Allowed Claim 17

Applicant notes with appreciation the allowance of claim 17.

#### Rejection of Claims 1-16 and 18-24 Under 35 U.S.C. §102(e)

Claims 1-16 and 18-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lee *et al* (U.S. Patent Application Publication No. US2002/0082020).

Lee describes a technique for gating a dedicated physical control channel. A UTRAN (a wireless network) transmits a gating start command or a gating end command to a UE (a wireless device) through a specific transport format combination indicator (TFCI) symbol. The gating start or end command is sent according to whether any data is transmitted over a downlink physical shared channel and a dedicated physical data channel. (See the Abstract.)

Claim 1 of the present invention recites:

"A wireless device in a wireless communication network, comprising:  
a receive data processor operative to receive a first message from the wireless network for reconfiguration of uplink and downlink physical channels for a physical layer;  
a controller operative to perform synchronization to establish the downlink physical channels; and  
a transmit data processor operative to send a second message to the wireless network indicating completion of the synchronization for the downlink physical channels, and  
wherein the receive data processor is further operative to receive an indication that the uplink physical channels have been established by the wireless network, and wherein the controller is further operative to delay transmission of signaling and data on the uplink physical channels, except for transmission of designated messages, until the indication is received from the wireless network."

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Applicant submits that claim 1 is not anticipated by Lee for at least the following reasons.

First, Lee does not describe "a receive data processor operative to receive a first message ... for reconfiguration of uplink and downlink physical channels," as claim 1 recites. The configuration for a radio bearer may describe the particular channels to use, the rate for each channel, the channelization code (OVSF code) for the physical channel, and so on. A change in the configuration is effectuated by performing an appropriate reconfiguration procedure. (See paragraph [0035] of the present application.) The rejection indicates that paragraph [0034] of Lee describes this element of claim 1. However, this paragraph describes gating of a dedicated physical control channel signal if there is no data to send. Applicant submits that the gating of Lee is not the same as the reconfiguration in claim 1. The gating of Lee does not necessarily involve a change in the configuration of the physical channels.

Second, Lee does not describe "a controller operative to perform synchronization to establish the downlink physical channels," as claim 1 recites. The synchronization may include the tasks recited in dependent claim 5. The rejection indicates that paragraph [0042] of Lee describes this element of claim 1. However, this paragraph describes power control, i.e., the use of transmit power control (TPC) symbols to adjust the transmit power of a downlink dedicated physical channel. Applicant submits that the power control of Lee is not the same as the synchronization in claim 1.

Third, Lee does not describe "a transmit data processor operative to send a second message ... indicating completion of the synchronization," as claim 1 recites. The rejection indicates that paragraph [0037] of Lee describes this element of claim 1. However, this paragraph describes a TFCI (transport format combination indicator) symbol that indicates attributes of the downlink physical channel such as transport block size, channel coding, rate matching, and CRC size. The TFCI symbol essentially indicates how data is being sent on the downlink physical channel and does not indicate completion of synchronization.

Fourth, Lee does not describe "the controller is further operative to delay transmission of signaling and data on the uplink physical channels, except for transmission of designated messages, until the indication is received from the wireless network," as recited in claim 1. The rejection indicates that paragraph [0037] of Lee describes this element of claim 1. As noted above, this paragraph describes the TFCI symbol and does not describe delaying

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transmission on the uplink physical channels until the indication of completion of synchronization is received.

For at least the above reasons, Applicant submits that claim 1 is not anticipated by Lee. Claims 2-12 are dependent on claim 1 and are not anticipated by Lee for at least the reasons noted above for base claim 1. These dependent claims may recite additional features not described by Lee.

For claim 2, Lee does not describe "the indication is an acknowledgment (ACK) sent ... in response to successful decoding of the second message." The rejection indicates that paragraph [0046] of Lee describes this feature of claim 1. However, Applicant fails to find any mention of "acknowledgment" in this paragraph.

For claim 5, Lee does not describe "the controller is operative to ... direct establishment of chip and frame timing for the downlink physical channels and initiate transmission of a power control preamble." The rejection indicates that paragraph [0036] of Lee describes this feature of claim 1. However, this paragraph simply describes the downlink and uplink physical channels in UMTS.

For claim 6, Lee does not describe "the synchronization is performed in accordance with a Synchronization procedure A defined by 3rd Generation Partnership Project (3GPP)." The rejection indicates that paragraph [0034] of Lee describes this feature of claim 1. However, this paragraph states "the applicant has proposed a technique for gating a dedicated physical control channel signal to 3GPP (3<sup>rd</sup> Generation Partnership Project) for standardization of UMTS (Universal Mobile Terrestrial System)." The technique described by Lee is being proposed for standardization and is not already standardized and defined by 3GPP.

Independent claims 13, 14 and 16 each recite features similar to those noted above for claim 1. Claims 13, 14 and 16 are thus not anticipated for the reasons noted above for claim 1. In particular, Lee does not describe "delaying transmission of signaling and data on the uplink physical channels, except for transmission of designated messages, until the indication is received from the wireless network." The rejection indicates that paragraph [0081] of Lee describes this element of claims 13, 14 and 16. However, this paragraph simply describes increasing the transmit power of the first N frames in order to improve reliability of the gating end operation. Lee does not describe delaying transmission until reception of the indication that the uplink physical channels have been established.

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Claim 15 is dependent on claim 14 and is not anticipated by Lee for at least the reasons noted for base claim 14.

Independent claims 18, 23 and 24 each recite features similar to those noted above for claim 1. Claims 18, 23 and 24 are not anticipated for the reasons noted above for claim 1. In particular, Lee does not describe "receiving a second message ... indicating that the downlink physical channels have been established by the wireless device" and "delaying transmission of signaling and data on the downlink physical channels, except for transmission of designated messages, until the second message is received from the wireless device." As noted above, Lee uses the TFCI symbol to start or end gating of the dedicated physical control channel depending on whether there is any data to send. Lee does not describe delaying transmission until the physical channels are established after reconfiguration.

Claims 19-22 are dependent on claim 18 and are not anticipated by Lee for at least the reasons noted for base claim 18.

Accordingly, the §102(e) rejection of claims 1-16 and 18-24 should be withdrawn.

### CONCLUSION


In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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